



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.03.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P(MD) .No.7542 of 2017

and

W.M.P. (MD) .No.5888 of 2017

Ebenezer Raj

.. Petitioner

Vs.

1.The Principal Secretary,
School Education Department,
St. George Fort,
Chennai- 600 009.

2.The Director of Elementary Education,
DPI Complex,
College Road,
Chennai.

3.The District Elementary Educational Officer,
Nagapattinam District.

4.The Judge Administrator,
TELC Schools,
Post Box No.86,
Tranquebar House,
Trichirapalli.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent to approve the appointment of petitioner as BT Assistant (English) in TELC Middle School, Mayiladuthurai, based on the proposal of the 4th respondent and pay arrears of salary and other attendant benefits with effect from the date on which she was appointed.

For Petitioner : Mr.D.Sasikumar

For Respondents 1 to 3 : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

For Respondent No.4 : Mr.S.Kadarkarai



ORDER

This writ petition has been filed for a direction to the 3rd respondent to approve the appointment of petitioner as BT Assistant (English) in TELC Middle School, Mayiladuthurai, based on the proposal of the 4th respondent and pay arrears of salary and other attendant benefits with effect from the date on which she was appointed.

2. The case of the petitioner is that the petitioner was appointed as B.T. Assistant(English) in the vacant post on 18.10.2012 in the TELC Middle School, Mayiladuthurai, which is under the Administrative control of the 4th respondent. Accordingly, the petitioner joined duty on 19.10.2012. After the appointment, the 4th respondent sent a proposal for approval of the petitioner's appointment as BT Assistant (English) to the 3rd respondent. Since the same was not considered, hence, the petitioner filed the present writ petition.

3. The learned counsel for the petitioner would submit that it would be suffice, if this Court direction to the third respondent to consider the proposal sent by the 4th respondent and pass appropriate orders within a reasonable time as fixed by this Court.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the 4th respondent Institution is a Minority Institution recognized under Tamil Nadu Private School Regulation Act. During the course of Annual Inspection and as per the register of final Educational grant to the school, the teachers-students strength is 20:below 200 students. He would further submit that out of the said 20 posts, one teacher post is surplus and the petitioner was appointed in the said surplus post and hence, the said post cannot be approved by the Educational Authorities. Accordingly, he prays for dismissal of this writ petition.

5. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the 4th respondent and also perused the materials available on record.

6. Considering the facts and circumstances of the case, the facts in the present case is not disputed. Admittedly, the petitioner was appointed as B.T. Assistant (English) and accordingly, the 4th respondent sent a proposal to the 3rd respondent for approval of the said post. At the same time, the 3rd respondent filed counter affidavit stating that the petitioner was appointed in the surplus post, which cannot be approved. In view



of the above, this Court directs the 4th respondent that if the said appointment is not a surplus post, the 4th respondent shall consider the appointment and forward a proposal to the 3rd respondent for approval of the petitioner's appointment in the said post. It is further directed that on receipt of such proposal, the 3rd respondent shall consider the same and pass appropriate orders immediately.

7. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Principal Secretary,
School Education Department,
St. George Fort,
Chennai- 600 009.

2.The Director of Elementary Education,
DPI Complex,
College Road,
Chennai.

3.The District Elementary Educational Officer,
Nagapattinam District.

+1 CC to M/s.SPL GP (SR-12110[F] dated 18/03/2021)

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ES(CO)

AS(12.05.2021) 3P 5C